

EXHIBIT 11

David Mazaroli

From: David Mazaroli [dlm@mazarolilaw.com]
Sent: Thursday, January 17, 2008 6:11 PM
To: 'Paul Keane'
Cc: 'pclark@navlaw.com'
Subject: RE: 07 CV 2889 AKH White Horse Machinery Our Ref.: 7XHD-1477

Paul,

Reference is made to our telephone conversations of today's date and our e-mail exchange of today's date. Plaintiff's document production request was served on August 3, 2007 and was returnable September 12th. The request includes a demand for tariffs, including the tariff referred to in the bill of lading. Yang Ming and Djuric's documents were not produced until December 27, 2007. In addition to the OWL bill of lading reference to the tariff, Yang Ming's bill of lading Clause 7(2) (B), which is included in the addendum to your brief, refers to the "Underlying Carrier's Tariff." This is clearly relevant and discoverable and should be produced.

David L. Mazaroli
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11 Park Place - Suite 1214
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From: Paul Keane [mailto:pkeane@cckvt.com]
Sent: Thursday, January 17, 2008 4:34 PM
To: David Mazaroli
Cc: pclark@navlaw.com
Subject: FW: 07 CV 2889 AKH White Horse Machinery Our Ref.: 7XHD-1477

Dave pls see revised email. I made some grammatical corrections and changed Owl to Djuric in Line 3.

From: Paul Keane
Sent: Thursday, January 17, 2008 4:17 PM
To: 'David Mazaroli'
Cc: pclark@navlaw.com
Subject: RE: 07 CV 2889 AKH White Horse Machinery Our Ref.: 7XHD-1477

David,

The provision in OWL's B/L states "tariff(s) or contract(s)". Thus according to this provision, If there were a contract in place the reference to the tariff would not be applicable. We have stated in our papers that this was a contractual rate and have produced the rate sheet (D003). Moreover, Djuric was not a contractor of OWL and OWL admits in their papers that they did not know who Djuric was. Consequently, I am reluctant to assist you on a fishing trip for information which is irrelevant to this case especially since OWL is not asserting any defenses based on Djuric's tariff. In this regard only the defenses of a participating carrier are incorporated in OWL's B/L, not the complete terms and conditions. In addition trucking tariffs are usually thousands of pages long. Are you going to pay the photocopying costs? It is a rather late date to bring this issue up especially when your reply

papers are due tomorrow.

After consideration, unless you can demonstrate the relevance of yr request, I am not inclined to agree to produce thousands of pages of irrelevant documentation. If you need more time for the reply Peter and I have already advised we have no objection.

Paul

From: David Mazaroli [mailto:dlm@mazarolilaw.com]
Sent: Thursday, January 17, 2008 2:54 PM
To: Paul Keane
Cc: pclark@navlaw.com
Subject: 07 CV 2889 AKH White Horse Machinery Our Ref.: 7XHD-1477

Paul,

As discussed, please produce a copy of the Djuric Trucking Inc. tariff in effect at the time of the carriage by Djuric (i.e. on or about July 6, 2006).

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